

### INTERVIEW SUMMARY

Applicants representative conducted an interview with the Examiner on September 05, 2007, to discuss the distinctions of the claimed flexible film selvages over the compressible foam attachment layers taught by the cited references. The Examiner recognized the magnitude of the 30-60% difference in thickness between the compressible foam layer of Morse and the claimed film selvedge and suggested that this limitation be added to the independent claim. Applicants have amended claim 1 as suggested.

### REMARKS

Claims 1-30 are pending. Applicants amend claims 1, 6, 10 and 26. Please consider the following remarks responsive to the Office Action mailed May 30, 2007, prior to continued examination.

Many prior art fastener strip devices rely on compression of a foam gasket for sealing of a fastener strip with a mold. This requires a certain thickness of foam, a certain level of compressive forces and a certain stiffness of other fastener strip elements to transfer the compressive forces to the foam. In contrast, the claimed film selvages are sufficiently thin and pliable to deflect and conform in face-to-face sealing contact with a shaped or contoured surface of a mold without the need to compress a foam gasket. As discussed below, Applicants have discovered that use of a thin flexible film instead of a thicker compressible foam layer allows the selvages to more readily conform to the mold trench allowing the fastener strip to be used in increasingly contoured molds without sacrificing sealing. Thus, use of the claimed thin flexible film selvages provides advantages of greater flexibility in mold designs and improved sealing in existing designs.

Applicants note that the recitation of film selvages having a thickness of less than about 0.020 inch was present in original claim 10 and is fully supported in the specification.

#### Objection to Claim 26

Claim 26 has been amended to depend from claim 25, rendering moot the objection as to antecedent basis.

Rejection of Claim 2 under Section 112 Second Paragraph

Claim 2 stands rejected under 35 U.S.C. 112 second paragraph as being indefinite.

Applicants amend claim 1 to clarify that the film need not be secured separately but may also be formed of a single contiguous resin as recited in claim 2.

Rejections under Section 103 (a)

Claims 1-30 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Morse et al., U.S. Pat. No. 5,110,649 ("Morse") in view of either Northrup et al., U.S. Pat. No. 4,710,414 ("Northrup") or Banfield et al., U.S. Pat. No. 5,736,217 ("Banfield").

Morse discloses a mold-in fastener product having an attachment layer formed of foam that extends to the margins of the fastener strip. The absorbent foam gasket layer of Morse serves "to partially absorb some of the pre-polymer [and acts] as a gasket to prevent substantial penetration of the pre-polymer." (col. 3, lines 46-55) (emphasis added). Morse is clear that this foam layer is a compressible, open cell attachment layer no less than 1/32 inch (0.030 inch) thick and "preferably at least 1/16 inch [0.060 inch] thick." (col. 4, lines 38-40, col. 5, line 34). The Morse fastener strip is required to have a transverse stiffness "sufficient to transmit, to a foam layer 14, a foam compression force . . . to compress the edge of the foam firmly against the edge of the trench." (col. 3, lines 24-25, col. 4, lines 36-37).

Thus, it is clear that the 0.030-0.060 inch thickness of the Morse foam layer was selected to provide compressibility and absorption, which benefits would not have led those of skill in the art to consider a film of less than about 0.020 inch for use in forming the selvages as recited in claim 1. Applicants have discovered that use of a thin film of 30-60% lesser thickness than the foam taught by Morse allows the selvages to flex or deflect to conform to the mold trench, providing increased sealing effectiveness with lesser applied downward or "compression" forces or a lesser fastener strip transverse stiffness. This allows the fastener strip to be used in increasingly contoured molds without sacrificing sealing.

Morse lacks any disclosure of the claimed selvages comprised of "a film having a nominal thickness of less than about 0.020 inch and being of a significantly lesser stiffness than

the stiffness of the central portion of the base for flexure of the selvages to sealingly conform to a mold surface” as recited in claim 1.

Neither Northrup nor Banfield cure the deficiency of Morse. Northrup and Banfield disclose, in combination with foam attachment layers, a temporary protective cover over the heads of the fastening elements. Northrup “like the prior art fastener assemblies, [includes] (3) an open porous permanent attachment layer 22 attached to the second major surface 16 of the backing strip 12 by a layer of adhesive 23, which permanent attachment layer has sufficient open areas to afford movement of foam into it to permanently attach the fastener assembly to a foamed article.” (col. 3, line 15-21). Northrup and Banfield disclose, at most, a porous foam attachment layer that affords movement of foam resin into the pores of the attachment layer, and that must be compressed to provide any degree of sealing with the mold.

Fouling of fastener element heads due to inadequate sealing is a common problem with such foam layers and becomes a greater problem with more drastically contoured molds. As stated previously, the need for the Northrup’s temporary protective cover for the fastener heads belies the inability of such compressible foam attachment layers to adequately seal the fastener strip to the mold surfaces.

Accordingly, Northrup and Banfield also lack any disclosure of the claimed “film having a nominal thickness of less than about 0.020 inch and being of a significantly lesser stiffness than the stiffness of the central portion of the base for flexure of the selvages to sealingly conform to a mold surface” as recited in claim 1. Because none of the cited references disclose use of a film as a selvedge, none of the references disclose each and every element of claim 1, and dependent claims 2-30, which depend therefrom.

Substitution of a thin flexible film for a thicker compressible foam is not an insubstantial change, especially in light of the prior art. The structures of prior compressible foam attachment layers and the claimed flexible films are distinct and the attendant benefits provided by films as discovered and claimed by Applicants would not have been considered by practitioners who traditionally thought foam superior for attachment and sealing. One of ordinary skill in the art, in possession of the cited references, would not be motivated to move away from this

conventional use of compressible porous foam as an absorptive attachment layer with gasket-type sealing, and towards a thin film sealing selvedge. This is particularly so since the significantly reduced thickness of the film relative to the prior foam layers would likely be perceived by those in the art to provide less resin absorption capacity and attachment capability and to omit the traditional sealing mechanism, i.e., compression of the selvedge.

None of the cited references suggest use of a thin flexible film selvedge to “sealingly conform to a mold surface.” The sealing provided by Applicants invention is clearly of a different nature than the compression sealing of prior foam layers addressed by the prior art.

Thus, Morse, Northrup and Banfield fail, alone and in combination, to teach or suggest the claimed touch fastener products in which the “selvedges comprise a film having a nominal thickness of less than about 0.020 inch and being of a significantly lesser stiffness than the stiffness of the central portion of the base for flexure of the selvedges to sealingly conform to a mold surface” as recited in claim 1. Without such a teaching or suggestion, the cited references fail to support a *prima facie* case of obviousness. Applicants therefore request that the rejections under §103 be withdrawn.

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CONCLUSION

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. Applicants have attempted to address each of the issues previously raised by the examiner, and would welcome an interview if that would help further prosecution of the subject Application. Please apply the fee for a one month extension and any other charges or credits to deposit account 06-1050 referencing the above attorney docket number

Respectfully submitted,

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